

SUPPORT HB 160 Adult Joint Support Declarations By Representative Jen Seelig

Bill Summary: This bill creates declarations of joint support between adults who depend on each other and live together. The declarations provide basic protections of hospital visitation, inheritance, and medical decision-making.

- **The bill was drafted to address three basic protections that were specifically listed by the LDS Church as rights they do not oppose.** In its November 5th statement, the Church said (emphasis added):

*"The Church does not object to rights for same-sex couples regarding **hospitalization and medical care**, fair housing and employment rights, or **probate rights**, so long as these do not infringe on the integrity of the traditional family or the constitutional rights of churches."*

This bill provides a legal mechanism for two adults who live together and take responsibility for each other, whether gay or straight, to be able to:

- Visit the other person in the hospital if the other person is sick or injured (not currently a right for un-related people).
 - Make medical decision for the other person if that person is incapacitated (again, not a currently a right for un-related people).
 - Inherit possessions of the other person under certain circumstances if no will exists.
- **People who take responsibility for each other and take care of each other should not be denied these basic protections.** Couples, straight or gay, want to take care of and be responsible for one another. Siblings, cousins, and even close friends need basic legal protections to make that possible. Declarations will confer a set of social and legal protections to help couples be responsible for each other. Denying these protections to people just because they are unmarried is hurtful and has no social benefit. We should allow people who take responsibility for each other to continue to accept that responsibility, instead of having government get into the middle of personal relationships.
 - **Declarations offer protection to the majority of Utahns who can't afford to hire an estate attorney.** Most people don't have a will, and of those who do, 71% hired an attorney to draft it. See Bankrate.com According to Utah Estate Planning Attorney Mark Morrise, "for a personalized estate plan, the cost could range anywhere from about \$1,000 to \$3,000 for a plan with no tax planning, and from about \$2,000 to \$10,000 for a plan that includes tax planning." Utahestateplans.com
 - **Utahns agree with the importance of legal protections that honor responsibility and commitment.** 83.5% of Utahns agree that gay and lesbian couples "should be provided some legal protections, such as hospital visitation, health insurance, and inheritance rights." Polls show most Utahns support bills dealing with equality, KSL, January 19, 2009. Declarations will help adults who depend on each other.

- **Declarations are constitutional.** In 2005, a similar bill was introduced by Senator Greg Bell. Speaking of that bill, attorneys Monte Stewart, Richard Wilkins, Camille Williams, Lynn Wardle, and Bill Duncan agreed that the bill “is consistent with Amendment 3 because the accommodation created by the bill is not of a relationship legally or otherwise defined by any sexual component....Even all the benefits available by the [bill] when taken together fall far short of that large “laundry basket” of marital rights and benefits that must be present before the accommodation runs afoul of Amendment 3.”
- **Providing basic protections does not change Utah’s constitutional definition of marriage.** Claims that providing basic protections are a “slippery slope” toward a situation similar to California ignore a huge difference between California and Utah. Utah has a constitutional amendment defining marriage. The Utah Supreme Court cannot choose to ignore that amendment. The only way for the Constitution to change is a 2/3 majority vote of the legislature and a vote of the people. Passing basic, reasonable protections does nothing to undermine Utah’s constitutional definition of marriage.
- **Declarations are needed in times of crisis.** Opponents argue hospital visitation, inheritance, and medical decision making can be handled through legal documents. The concerns addressed in this bill are concerns nobody plans for. Who makes the decisions when a serious accident occurs? What happens when one goes to the ER in a crisis situation and there’s no time or ability to make a guest list of people who can visit? What happens to a person if their loved one dies without a will? Declarations help answer these questions and they do so with out a \$10,000 bill from an estate attorney. This is a concrete and realistic solution to some serious and important issues.